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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,386	09/15/2004	Christopher J. Mills	04-0567	5385
64722	7590	08/22/2006	EXAMINER	
OSTRAGER CHONG FLAHERTY & BROLTMAN, P.C. 250 PARK AVENUE SUITE 825 NEW YORK, NY 10177-0899			MAYLE, EDWARD J	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/711,386

Applicant(s)

MILLS ET AL.

Examiner

Edward J. Mayle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on application of 09/15/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 2, 3 and 18-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 20 and 40 is/are allowed.
- 6) ☒ Claim(s) 1, 5-8, 12 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 4, and 9-11 is/are objected to.
- 8) ☒ Claim(s) 1-40 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

- I. Figs. 1A, 1B, 1C, and 5
- II. Figs. 2A, 2B, 3A, and 3B
- III. Fig. 4

2. The species are independent or distinct because Inventions I, II and III are directed to related products.

The related inventions are distinct if the inventions as claimed do not overlap in scope, i.e., are mutually exclusive; the inventions as claimed are not obvious variants; and the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect. See MPEP § 806.05(j). In the instant case, species III has a galley including a lavatory, species II has a galley including crew rest seats or berths, and species I has only a galley.

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, at least claims 1 and 8 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

3. If applicant elects species I, a restriction to one of the following inventions is required under 35 U.S.C. 121:

I(a). Claims 1, 4-17, drawn to an aircraft having a cabin crew area, classified in class 244, subclass 118.5.

I(b). Claims 39-40, drawn to an aircraft internal doorway area, classified in class 244, subclass 129.5. The inventions are distinct, each from the other because of the following reasons:

4. Inventions I(a) and I(b) are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed

does not require the particulars of the subcombination as claimed because the internal door of the aircraft could be one without a counter section residing across it. The subcombination has separate utility such as the door could be used on a ship.

5. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Joshua Broitman on 08/16/06 a provisional election was made with traverse to prosecute the invention of I(a), claims 1, and 4-17. Affirmation of this election must be made by applicant in replying to this Office action. Claims 2-3, and 18-40 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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9. Claims 1, 5-6, 8, 12, and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Greiss (U.S. Patent 4,055,317).

10. With regard to Claim 1: Greiss discloses a cabin crew area of an aircraft comprising: an aft area (Column 4, lines 3-6: "aft galley 10 comprises an aft storage area 34, a starboard storage area 36, a port storage area 38 and a forward storage area 40.") comprising a plurality of galley carts (42, Fig. 2), said aft area having a fore/aft depth that is approximately equal to the depth of two or more of said plurality of galley carts (Fig. 4 shows several rows of carts 42 and an open galley floor space 37); at least one galley storage unit residing in said aft area and storing said plurality of galley carts (34,36,38,40 Figs. 2 and 4), said at least one galley storage unit configured for placement of at Least a portion of said plurality of galley carts in a lateral row in a forward section of said aft area (forward area 40, Figs. 2 and 4); and a main counter residing over said at least one galley storage unit and extending laterally across a galley-servicing area of the aircraft (56, Fig. 2; Column 4, lines 41-55).

11. With regard to Claim 5: Greiss discloses a cabin crew area as in claim 1 further comprising at Least one sectioning member (Fig. 4: there is a bulkhead forward of storage unit 40 separating the galley area from the main passenger cabin) separating said galley-servicing area (37, Fig. 2) from a passenger cabin (32, Fig. 2).

12. With regard to Claim 6: Greiss discloses a cabin crew area as in claim 1 further comprising at Least one Line replaceable structure coupled to said at Least one galley storage unit. ("refrigeration units" 60, Fig. 2)

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13. With regard to Claim 8: Greiss discloses an aircraft having a cabin crew area (Column 4, lines 3-6: "aft galley 10 comprises an aft storage area 34, a starboard storage area 36, a port storage area 38 and a forward storage area 40.") comprising: a galley-servicing area comprising; at Least one galley storage unit (34,36,38,40 Figs. 2 and 4) storing a plurality of galley carts (42, Fig. 2) and having a fore/aft depth that is approximately equal to the depth of two or more of said plurality of galley carts (Fig. 4 shows several rows of carts 42 and an open galley floor space 37); and a main counter residing over said galley storage unit, extending Laterally across the cabin crew area of the aircraft, and coupled to and between a starboard wall and a port wall of the aircraft (56, Fig. 2; Column 4, lines 41-55).

14. With regard to Claim 12: Greiss discloses an aircraft as in claim 8 further comprising at Least one sectioning member separating a passenger compartment from the galley-servicing area (Fig. 4: there is a bulkhead forward of storage unit 40 separating the galley area from the main passenger cabin) separating said galley-servicing area (37, Fig. 2) from a passenger cabin (32, Fig. 2).

15. With regard to Claim 14: Greiss discloses an aircraft as in claim 12 further comprising a stairway (44, Figs. 2 & 4), said at Least one section member coupled between said stairway and at Least one of said starboard wall and said port wall (Fig. 2: the bulkhead extends to the wall opposite the stairway).

16. With regard to Claim 15: Greiss discloses an aircraft as in claim 8 further comprising a Line replaceable structure coupled to said at Least one galley storage unit. ("refrigeration units" 60, Fig. 2)

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17. With regard to Claim 16: Greiss discloses an aircraft as in claim 15 wherein said Line replaceable structure comprises a Line replaceable unit that is selected from at Least one of a refrigeration unit, a chiller, an air conditioner, a flight control box, a storage box, an electronic box, and a black box. ("refrigeration units" 60, Fig. 2)

18. With regard to Claim 17: Greiss discloses an aircraft as in claim 15 wherein said Line replaceable structure resides in one of an overhead area, an overhead compartment area, a galley service area, an area ("refrigeration units" 60, Fig. 2 reside in the galley service area in overhead compartments above the galley carts 42)

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greiss in view of Kull et al. "Kull" (U.S. Patent 5,491,979).

21. Greiss discloses the claimed invention except for a device that adjusts temperature of the galley carts.

Kull teaches a refrigeration unit (4, Fig. 2) for a plurality of galley carts (7A-7D, Fig. 2).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify the galley of Greiss by incorporating a unit to adjust the

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temperature of the galley carts, because as Kull teaches, "food stuffs transported in trolleys are cooled on board an aircraft directly in the trolley" (abstract first sentence).

Allowable Subject Matter

22. Claims 4, 9-11, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

23. With regard to Claims 4, 9-11: The prior art does not teach aircraft galley counters that are coupled to or extending in front of aircraft doorways.

24. With regard to Claim 13: The invention of Greiss does not have curtains, and one of ordinary skill would not have motivation to modify the invention with curtains. Although there are several prior art examples of curtain usage to separate areas in aircraft, none of these examples meet the limitations of Claim 8 from which 13 depends.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Mayle whose telephone number is (571)-272-8969. The examiner can normally be reached on Mon-Fri 0830-1700.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on (571)-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Edward J. Mayle



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